

EXHIBIT R  
REDACTED  
FILED UNDER SEAL

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ANIBAL RODRIGUEZ, JULIEANNA )  
MUNIZ, ELIZA CAMBAY, SAL ) Case No.:  
CATALDO, EMIR GOENAGA, JULIAN ) 3:20-cv-04688  
SANTIAGO, HAROLD NYANJOM, KELLIE )  
NYANJOM, and SUSAN LYNN HARVEY, )  
individually and on behalf of all )  
others similarly situated, )  
 )  
Plaintiffs, )  
vs. )  
 )  
GOOGLE LLC, )  
 )  
Defendant. )  
----- )

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REMOTE PROCEEDINGS OF THE  
VIDEOTAPED DEPOSITION OF ARNE DE BOOIJ  
TUESDAY, FEBRUARY 7, 2023

REPORTED BY NANCY J. MARTIN  
CSR. NO. 9504, RMR, RPR  
PAGES 1-133

1 see Insitum? That's a vendor that we work with for  
2 research. So they probably wrote a large part of the  
3 content, but I might have started the document and  
4 they filled in the content.

5 BY MR. FRAWLEY:

6 Q. So what do you mean that you work with a  
7 vendor. Can you tell me more about that?

8 A. Yeah. So Insitum, the name there, it's a  
9 research vendor.

10 Q. What's the name of this vendor?

11 A. It's spelled Insitum. It says it right there  
12 on the document (indicating).

13 Q. Oh, I see. Is this the only vendor that you  
14 work with, or are there other vendors?

15 MS. AGNOLUCCI: Objection. Vague.

16 THE WITNESS: Work with in what sense?

17 BY MR. FRAWLEY:

18 Q. For research.

19 MS. AGNOLUCCI: Same objection.

20 THE WITNESS: No. They're not the only  
21 vendor.

22 BY MR. FRAWLEY:

23 Q. So for this study, the Pinecone Study 3 UDC,  
24 why did you need to hire a vendor?

25 A. Let's see. I'm trying to remember. We use

1 vendors at Google to, you know, perform work for us so  
2 we don't have to do it, basically. So in this  
3 instance, they did most of the research work for us.  
4 So they rented the facilities, recruited participants.

5 Q. What's a pinecone study?

6 A. Do you mean this particular study?

7 Q. Sure. We'll start with this particular  
8 study. Well, no, let me actually -- I don't think  
9 that's what I mean.

10 Is it fair to say a Pinecone study is a  
11 category of study at Google?

12 MS. AGNOLUCCI: Objection. Vague.

13 THE WITNESS: What do you mean by "a  
14 category" of a study?

15 BY MR. FRAWLEY:

16 Q. Like this wasn't the only pinecone study  
17 ever; right? It's a type of study. Is that fair?

18 A. It's true that there were more pinecone  
19 studies, yes.

20 Q. What's the purpose of a pinecone study?

21 MS. AGNOLUCCI: Objection. Vague.

22 THE WITNESS: Yeah, it depends on what we  
23 want to study.

24 BY MR. FRAWLEY:

25 Q. What was the purpose of this pinecone study?

1           A. Well, let's see. I can scroll down. There's  
2           probably specifics. Okay. So looking at the page  
3           ending in -697, that's Page 6 of the PDF. So I'm  
4           looking at that page, and there it says the topics  
5           included were dashboards, consents, UDC consent and  
6           UDC website.

7           Q. And the title of the document says, "Pinecone  
8           Study 3." Does that mean there was a Pinecone Study 1  
9           and 2 about these topics?

10          A. No, not about these topics, I believe.

11          Q. But there was a Pinecone Study 1 and a  
12          Pinecone Study 2?

13          A. Yes.

14          Q. Do you recall what topics those studies were  
15          about?

16          A. I don't recall.

17          Q. Were you involved in all of the pinecone  
18          studies or just this one?

19          A. When you say, "all of the pinecone studies,"  
20          which ones are you referring to?

21          Q. So are there more than the three that we've  
22          already identified?

23          A. Yes.

24          Q. How many were there?

25          A. I think 52.

1 Q. Were there any other pinecone studies, aside  
2 from this one, that explored UDC?

3 MS. AGNOLUCCI: Objection. Vague.

4 THE WITNESS: I would have to look at each  
5 study to determine like which ones focused on UDC.

6 BY MR. FRAWLEY:

7 Q. Do you think there was at least one other one  
8 that focused on UDC besides this one?

9 MS. AGNOLUCCI: Calls for speculation. Asked  
10 and answered.

11 THE WITNESS: I mean I would guess, and I  
12 guess we're not allowed guessing.

13 BY MR. FRAWLEY:

14 Q. So I just want to understand sort of how this  
15 study came to be. Why was Google studying UDC at this  
16 time?

17 A. I don't recall specifics. I can take a look  
18 at the document.

19 Q. Yeah, please. Go ahead.

20 A. All right. So I'm on slide -- or Page 7 of  
21 the PDF. It says, "For the Activity controls, we  
22 suspect that we can increase the clarity and  
23 comprehension of the text. Also, we are changing the  
24 UI for web and we want to see if users comprehend what  
25 the Activity controls are in this context."

1 And then there are several research questions  
2 listed. "Do users comprehend what will happen if they  
3 turn on the Web & App activity setting (in the context  
4 of an app)?

5 "Does adding 'My Activity' in Activity  
6 controls help comprehension?

7 "Do they understand what happens to their  
8 already stored data when they turn it off?"

9 All right. So that's one of the topics, and  
10 that was the -- I mean it seems like that's the  
11 purpose of this particular study.

12 Q. Who at Google came up with these questions?

13 MS. AGNOLUCCI: Objection. Vague.  
14 Foundation.

15 THE WITNESS: Yeah. I don't know who  
16 specifically did this -- for this particular study  
17 came up with those particular questions. I just don't  
18 remember.

19 BY MR. FRAWLEY:

20 Q. Could it have been you?

21 A. Let's see. I have to scroll back up and  
22 down. I'm looking to see if my name is sort of  
23 against that particular topic. I mean you're asking  
24 could it have been me; right?

25 Q. Uh-huh.

1           A. And that's -- I don't know if it could have  
2       been me. It could be or it could not have been. It's  
3       either/or. It's hard for me to answer conclusively.

4           Q. Can you tell me about the specific work that  
5       you did for this study?

6           MS. AGNOLUCCI: Objection. Vague.

7           THE WITNESS: I don't remember the specifics.  
8       This was in 2017, which is a very long time ago.

9       BY MR. FRAWLEY:

10          Q. Can you just tell me more generally about the  
11       work that you did on this study? What was your role  
12       in this study?

13          A. So, more generally, I arranged the contract  
14       with the vendor in this case, Insitum. So I'm sure  
15       that was in place. Yeah, that's definitely a fact.

16                What else? I ensured that the participants  
17       were, you know, meeting the requirements as defined on  
18       slides through Page 6. So we're looking for 10  
19       participants. I don't know if it's mentioned, but I  
20       can see from photos this is actually in Germany. As I  
21       mentioned before, we're doing it -- 99 percent of my  
22       work focus is on research in Europe. So this is  
23       Germany.

24                So I arranged that the participants recruited  
25       matched the requirements, followed the requirements.



1 What we can see here is that that's -- all of them are  
2 interested in privacy issues. So this reminds me that  
3 this research -- actually, a lot of the research we  
4 did involved participants more -- with more extreme --  
5 I wouldn't say, "extreme" -- more interesting privacy  
6 issues.

7 So the sample is sort of not even a -- it's  
8 not a general population representative sample. It's  
9 more biased towards more privacy interests. Also, you  
10 can see it's 10 participants that we recruit for this  
11 particular study. Yeah. Those are some examples of  
12 what I did.

13 Q. That's helpful.

14 Why did you want your sample to be biased  
15 towards people who are more interested in privacy?

16 A. It provides us with -- you know, I don't know  
17 what the right word is, but with perceptions -- maybe  
18 that's the right word -- from people that are  
19 interested in this topic because we know -- in my  
20 research with participants in Europe, we've seen a  
21 variety of behaviors, and we wanted to get -- some  
22 people don't read it at all and some people do.

23 So we wanted to focus on those people that  
24 were interested and, you know, we would get more  
25 useful information from that group.

1 MR. FRAWLEY: All right. I'm introducing a  
2 new exhibit.

3 (Deposition Exhibit 202 was marked for  
4 identification.)

5 MR. FRAWLEY: All right. I am marking  
6 Exhibit 202.

7 Please let me know when you have that one in  
8 front of you.

9 (Pause.)

10 THE WITNESS: Yep. It's opening. Yep.

11 BY MR. FRAWLEY:

12 Q. All right. Do you see near the top of the  
13 document that you are listed as the author?

14 A. Yes.

15 Q. And you can take a moment to review it, but  
16 my question is just did you write this document?

17 A. Let's see. I definitely created the  
18 document. I don't think I wrote every word in the  
19 document.

20 Q. But you have some of the document. Is that  
21 fair?

22 A. Yeah. Yes.

23 Q. Can you tell me what is meant by "N3" at the  
24 very top?

25 A. N3? Yeah. This stand for Narnia 3.

1 Q. And can you elaborate on what Narnia 3 is.

2 A. It was a project name. I mean I don't  
3 remember the specifics. It included, based on this  
4 and memory, a change to the -- definitely to the  
5 consent I think or engagement, and I think primarily  
6 it was related to account creation in Europe. Yep.

7 Q. If you know, is there a Narnia 2?

8 A. Yes, there is a Narnia 2.

9 Q. What was the difference, if anything, between  
10 Narnia 2 and Narnia 3, aside from the number?

11 MS. AGNOLUCCI: Objection. Foundation.

12 THE WITNESS: I mean they are both projects  
13 focused on different things, a lot of different  
14 things. But I don't sort of -- I can't sort of give a  
15 complete answer to what exactly the difference was  
16 between them. There was a lot of different things  
17 happening in both, probably.

18 BY MR. FRAWLEY:

19 Q. Do you know why the name was given as  
20 "Narnia"?

21 MS. AGNOLUCCI: Objection. Vague.

22 THE WITNESS: I don't know exactly. You mean  
23 Narnia 3, why the name was Narnia 3?

24 BY MR. FRAWLEY:

25 Q. The word "Narnia," was there some

1 significance to that choice?

2 MS. AGNOLUCCI: Same objection.

3 THE WITNESS: I don't remember if there was  
4 significance to that.

5 BY MR. FRAWLEY:

6 Q. Okay. And can you tell me what is meant by  
7 "Express [REDACTED]"?

8 A. Yes. It's a code name for one of the options  
9 or design directions that was part of the Narnia 3  
10 project.

11 Q. What was the specific object or direction  
12 that [REDACTED] was code name for?

13 A. Are you talking about this point in time,  
14 when this document was written?

15 Q. Sure. We can start there.

16 A. Yeah. I think it was the code name for a  
17 design direction that included something called  
18 "Express." Express path, probably, is the right word.  
19 Above it, it says manual path. So "express" means  
20 express path.

21 Q. Do you see where in the -- still on the first  
22 page it says, "Hypothesis & Research Questions"?

23 A. Yes.

24 Q. What is meant by "Hypothesis"?

25 A. Hypothesis in research -- it's common in

1 research practice, it means an assumption or -- so  
2 it's not theory or not a fact. It's basically  
3 something that we believe may or may not be the case,  
4 and we describe that for the purposes of running the  
5 research.

6 Q. Okay. Can you look at -- so if you look at  
7 the bottom of this page, do you see where it says,  
8 "Research Question, Goal, Hypothesis"?

9 A. Yes.

10 Q. And then if you just flip, it looks like --  
11 well, would you agree with me that the next couple  
12 pages just have lists of questions, goals, and  
13 hypothesis -- hypotheses? Does that look right to  
14 you?

15 A. Like there's three columns, and I would agree  
16 that the first column, is "Research questions," the  
17 second, "Goal," and the third, "Hypothesis."

18 Q. Okay. And can you look at the page ending in  
19 -299.R?

20 A. Yes.

21 Q. And do you see, like a little bit under  
22 halfway down the page in the "Hypothesis" column it  
23 says, "Most respondents will believe that turning off  
24 WAA will result in no data being collected from their  
25 activity and no personalization in Google products and

1 services"?

2 A. Yes.

3 Q. So what was the basis for that hypothesis?

4 MS. AGNOLUCCI: Objection. Vague.

5 THE WITNESS: The context of this study is --  
6 taking a step back. As I mentioned, this was an  
7 account creation for European users. So that's a  
8 first step; right?

9 Second step was, as mentioned before, most  
10 often it would be used for recruit participants with a  
11 little bit more privacy interest and notice -- not  
12 notice. What's the right word? Interest in -- more  
13 interested in privacy; right? So those are two limits  
14 on a limiting fact for the context of this; right?

15 With that in mind, I don't know specifically  
16 which particular research study was used to formulate  
17 this particular hypotheses -- hypothesis. As  
18 mentioned, also to my recollection, I did not write  
19 the entire document. I might have written pieces of  
20 it.

21 So, again, I may or may not have written this  
22 particular sentence, but I don't remember what the  
23 exact basis for the hypothesis was. As I mentioned  
24 before, this hypothesis is not a theory or a fact.

25 BY MR. FRAWLEY:

1 Q. So just to clarify, for this study, was this  
2 another example of where you were seeking participants  
3 who were more privacy conscious?

4 Let me look at the document and see if I find  
5 it anywhere.

6 MR. FRAWLEY: Sure.

7 THE WITNESS: I did not see it when I was  
8 scrolling down before.

9 (The witness reviewed Exhibit 202.)

10 THE WITNESS: It doesn't specify it for this  
11 particular study. So that was an assumption, but  
12 there's no facts. So I would say I don't know, for  
13 this particular study, who did that or not.

14 BY MR. FRAWLEY:

15 Q. And do you know what kind of research method  
16 was used for this study?

17 A. Again, I'm looking at the document. It  
18 doesn't specify it anywhere, at least not at the top.  
19 I mean it doesn't specify it. So I -- I would be  
20 guessing. So I don't know specifically.

21 Q. I'm sorry. I didn't mean to cut you off.  
22 I'm sorry.

23 A. I don't know specifically what method, for  
24 this particular study, was used.

25 Q. Do you think it might have been a survey?

1           A. It -- I'm just looking at the research  
2 questions.

3                   (Pause.)

4           THE WITNESS: Let's see. I mean it could  
5 have been, but I'm not 100 percent sure it was.

6 BY MR. FRAWLEY:

7           Q. So can you talk to me about, when you're  
8 thinking about doing a study like this, how do you  
9 decide whether it should be a survey or a usability  
10 lab or some other method?

11           MS. AGNOLUCCI: Objection. Vague.

12           THE WITNESS: I mean as mentioned before, it  
13 really depends on, you know, the questions we want  
14 answered.

15 BY MR. FRAWLEY:

16           Q. So based on the questions for this study --  
17 and I know you don't remember which method was  
18 actually chosen. But sitting here today, what's your  
19 opinion on the best method for these questions?

20           MS. AGNOLUCCI: Objection. Vague.

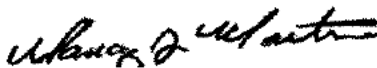
21           THE WITNESS: There's a lot of questions  
22 here. It looks like 30 or so. I mean just quickly  
23 counting or guessing.

24           I would have to go through each question, and  
25 based on that, say that this is the appropriate



C E R T I F I C A T E

I do hereby certify that the aforesaid testimony was taken before me, pursuant to notice, at the time and place indicated; that said deponent was by me duly sworn to tell the truth, the whole truth, and nothing but the truth; that the testimony of said deponent was correctly recorded in machine shorthand by me and thereafter transcribed under my supervision with computer-aided transcription; that the deposition is a true and correct record of the testimony given by the witness; and that I am neither of counsel nor kin to any party in said action, nor interested in the outcome thereof.



Nancy J. Martin, RMR, CSR

Dated: February 8, 2023

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